

Reply to Office Action

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## **REMARKS**

As aforementioned, per the direction of The United States Patent and Trademark Office, claim informalities in Claims 32, 36, 41, 46 have been corrected. Also, the drawings, which failed to comply with 37 CFR 1.84(p)(5) due to containing referenced character(s) or referenced sign(s) not mentioned in the Specification(s) in the Brief Description(s), have been addressed with either a "Replacement Sheet" of the non-complying Figures pursuant to 37 CFR 1.121(d) (See Fig.2 and Fig. 4 between Pages 17 and 18 herein, immediately following the Claims section) or a modification in the non-complying Specification(s), and Specifications citing incorrect Figure numbering (See Amendments to the Specification, Replacement Sentences in Paragraphs Relative to the Immediate Prior Version on Pages 18, 19 and 20 herein) have all been changed to comply.

Fig. 1 is not missing the NETWORK SERVER COMPUTER element 28 as it is only supposed to be shown in Fig. 2. The NETWORKED COMPUTER elements 12, 13 indicated in Fig.1 are for the SHIPPER and CARRIER, respectively. To insure clarity relative to the number 28, the Specification on Page 17, 1<sup>st</sup> paragraph, line 9 has been Replaced (See Page 19 herein).

Fig. 1 correctly labeled the SHIPPER FACSIMILE element as 35 and the CARRIER FACSIMILE element as 36. However, Fig. 2 requires a "Replacement Sheet" as the SHIPPER FACSIMILE element was incorrectly labeled 36 and should read 35, the CARRIER FACSIMILE element was incorrectly labeled 37 and should read 36 and the ROUTER element was incorrectly labeled 35 and should read 37. This has been corrected (See Fig. 2 Replacement Sheet between Pages 17 and 18 herein, immediately following the Claims section).

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Fig. 3 drawing is not missing, as there is no Fig. 3 but rather only Figs. 3a-3m. That being said, Specification Page 21, 1<sup>st</sup> paragraph, line 1 has been Replaced (See Page 19 herein). Also, Specification Page 22, 1<sup>st</sup> paragraph, line 1 has been Replaced (See Page 20 herein). Additionally, Specification Page 22, 2<sup>nd</sup> paragraph, line 1 has been Replaced (See Page 20 herein).

Fig. 4 requires a "Replacement Sheet" as the ADDITIONAL INFORMATION, The Commodity to be shipped is GARBAGE BAGS, The Carrier Must hold this Bid until 3:00:00 PM 04/19/1999, 22 Pallets/Exchange, The Weight of this load is 41,600 LBS element label 56 was missing from Fig. 4. This has been corrected (See Fig. 4 Replacement Sheet between Pages 17 and 18 herein, immediately following the Claims section).

Figs. 10d and 10e are, in fact, mentioned in the Specification in the Brief Description of the Drawings section, in contrast to the assertion of the United States Patent and Trademark Office. See Specification Page 20, 2<sup>nd</sup> paragraph, lines 9 and 11, respectively. That being said, Specification Page 19, 3<sup>rd</sup> paragraph, line 1 has been Replaced (See Page 19 herein).

Additionally, Claims 32-38, 41-46, 48-51, 57-60, and 63 being rejected by The United States Patent and Trademark Office under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement are shown in this Reply that they do, in fact, agree with the specification and do have sufficient support in the Specification. With these modifications Claims 39, 40, 47, 52-56, 61, 62, and 64-68 also rejected in the Office Action because they depend from a rejected claim are now compliant.

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The United States Patent and Trademark Office asserted years ago that the original pending Claims 1-31 were rejected not just due to informalities but mainly because the claims were too descriptive in nature, themselves almost appearing as duplicating the specifications. That rejection required that the claims be rewritten as Claims 32-68 (One additional claim was added and the required additional fee was paid). They had to be simplified in nature but they still reflect the intention of the initial more descriptive oriented claims.

Now, after more than eight years of Office Actions and Replies, The United States Patent and Trademark Office is asserting that Claims 32-68 are being rejected in part as failing to comply with the enablement requirement of the first paragraph of 35 USC 112. Supposedly the claims not only do not agree with the specification, but they are not supported by the specification in a manner enabling one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

With all due respect, I not only strongly disagree with this assertion, but am frustrated and truly disappointed that such an inference would even be thought, much less be made, especially by an organization charged with reviewing patent applications, staffed with individuals schooled in the fields relating to freight transportation and the product marketplace.

To hopefully assuage this apparent confusion, the following Claims 32-68 are indicated by number along with at least one specification page number(s), paragraph(s), line(s) and figure(s) example(s) relating to each claim, with the understanding that available references in total are not limited to just these very few cited, as individual claim references are interspersed throughout the Specification and intentionally will not be included herein. Actually, with all due

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respect, I believe that The United States Patent and Trademark Office has made a major analysis error by issuing a blanket pronouncement relative to all Claims 32-68 being rejected via a 35 U.S.C. 112, first paragraph assertion. At this late a date and with the volume of detail indicated along with the truly unique nature of the subject matter and inventive steps within the method and system there should be no question but that the claims not only agree with but are described and supported by both the Specifications and the Figures.

Claim 32: Specification Page 6, 1<sup>st</sup> paragraph, lines 1-18; Page 15, 4<sup>th</sup> paragraph, line 1 through Page 34.

Figs. 1-10e.

Claim 33: Specification Page 9, 1<sup>st</sup> paragraph, line 10; and Page 17, 1<sup>st</sup> paragraph, line 15.

Claim 34: Specification Page 4, 1<sup>st</sup> paragraph, line 6; Page 7, 1<sup>st</sup> paragraph, line 11 through 2<sup>nd</sup> paragraph, line 4; Page 13, lines 6-10, 22; and Page 14, line 1-5; Page 25, 2<sup>nd</sup> paragraph, line 1-8.

Claim 35: Specification Page 8, 4<sup>th</sup> paragraph, lines 5,6 (as Replaced, see Page 18 herein); Page 9, 1<sup>st</sup> paragraph, lines 1-5 (as Replaced, see Page 18 herein).

Claim 36: Specification Page 9, 1<sup>st</sup> paragraph, lines 5-8.

Fig. 5.

Claim 37: Specification Page 6, 1<sup>st</sup> paragraph, lines 1-18; Page 15, 4<sup>th</sup> paragraph, line 1 through Page 34; (Page 30, paragraph 2, 3; Page 31, paragraph 1, 2, 3).

Fig. 1-10e.

Claim 38: Specification Page 8, 4<sup>th</sup> paragraph, lines 5,6 (as Replaced, see Page 18 herein); Page 9, 1<sup>st</sup> paragraph, lines 1-5 (as Replaced, see Page 18 herein); Page 16, 3<sup>rd</sup> paragraph, line 7 (as Replaced, see Page 18

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herein); Page 17, 1<sup>st</sup> paragraph, lines 1,2 (as Replaced, see Page 19 herein).

Claim 39: Specification Page 4, 3<sup>rd</sup> paragraph, line 1-6; Page 5, 1<sup>st</sup> paragraph, lines 1-4.

Claim 40: Specification Page 4, 3<sup>rd</sup> paragraph, line 1-6; Page 5, 1<sup>st</sup> paragraph, lines 1-4; Page 25, 4<sup>th</sup> paragraph, lines 6-9; Page 26, 1<sup>st</sup> paragraph, lines 1-3.

Claim 41: Specification Page 7, 1<sup>st</sup> paragraph, lines11-16; 2<sup>nd</sup> paragraph, lines 1-4; Page 25, 2<sup>nd</sup> paragraph lines 1-8.

Fig. 4.

Claim 42: Specification Page 8, 4<sup>th</sup> paragraph, lines 5,6 (as Replaced, see Page 18 herein); Page 9, 1<sup>st</sup> paragraph, lines 1, 2 (as Replaced, see Page 18 herein)

Fig. 4.

Claim 43: Specification Page 16, 3<sup>rd</sup> paragraph, line7; Page 17, 1<sup>st</sup> paragraph, lines 1-15.

Fig. 5.

Claim 44: Specification Page 9, 4<sup>th</sup> paragraph, lines 1-4.

Figs. 4, 6, 7.

Claim 45: Specification Page 6, 1<sup>st</sup> paragraph, lines 1-18; Page 26, 2<sup>nd</sup> , 3<sup>rd</sup> paragraph; Page 27, 28, 29, 30, 31, 32, 1<sup>st</sup>, 2<sup>nd</sup> paragraph.

Fig 6.

Claim 46: Specification Page 6, 1<sup>st</sup> paragraph, lines 1-18; Page 26, 2<sup>nd</sup> , 3<sup>rd</sup> paragraph; Page 27, 28, 29, 30, 31, 32, 1<sup>st</sup>, 2<sup>nd</sup> paragraph.

Fig 6.

Claim 47: Specification Page 27, 4<sup>th</sup> paragraph, lines 1-6; Page 28, 29, 30, 31, 32 lines 1-14.

Fig. 6.

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Claim 48: Specification Page 9, 1<sup>st</sup> paragraph lines 10-14; Page 17, 1<sup>st</sup> paragraph, lines 15-21.

Claim 49: Specification Page 9, 1<sup>st</sup> paragraph, lines 10-14; Page 17, 1<sup>st</sup> paragraph, lines 15-21.

Claim 50: Specification Page 9, 1<sup>st</sup> paragraph, lines 3-5 (as Replaced, see Page 18 herein); Page 17, 1<sup>st</sup> paragraph, lines 5-7 (as Replaced, see Page 19 herein).

Claim 51: Specification Page 9, 1<sup>st</sup> paragraph, lines 3-5 (as Replaced, see Page 18 herein); Page 17, 1<sup>st</sup> paragraph, lines 5-7 (as Replaced, see Page 19 herein); Page 24, 3<sup>rd</sup> paragraph, line 5; Page 25, 1<sup>st</sup> paragraph, lines 1, 2, 3.

Fig. 7.

Claim 52: Specification Page 8, 3<sup>rd</sup> paragraph; Page 9, 3<sup>rd</sup> paragraph, Page 16, 1<sup>st</sup> paragraph; Page 19, 2<sup>nd</sup> paragraph.

Fig 1, 2.

Claim 53: Specification Page 8, 3<sup>rd</sup> paragraph; Page 9, 3<sup>rd</sup> paragraph, Page 16, 1<sup>st</sup> paragraph; Page 19, 2<sup>nd</sup> paragraph.

Fig 1, 2.

Claim 54: Specification Page 8, 3<sup>rd</sup> paragraph; Page 9, 3<sup>rd</sup> paragraph, Page 16, 1<sup>st</sup> paragraph; Page 19, 2<sup>nd</sup> paragraph.

Fig 1, 2.

Claim 55: Specification Page 8, 3<sup>rd</sup> paragraph; Page 9, 3<sup>rd</sup> paragraph, Page 16, 1<sup>st</sup> paragraph.

Claim 56: Specification Page 26, 1<sup>st</sup> paragraph, line 5.

Figs. 10a-10e

Claim 57: Specification Page 16, 2<sup>nd</sup> paragraph, lines 4-10; 3<sup>rd</sup> paragraph; Page 17, 1<sup>st</sup> paragraph, lines 1-3.

Figs. 10a-10e.

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Claim 58: Specification Page 16, 2<sup>nd</sup> paragraph, lines 1-3.

Fig. 9.

Claim 59: Specification Page 16, 2<sup>nd</sup> paragraph, lines 1-3.

Fig. 9.

Claim 60: Specification Page 6, 2<sup>nd</sup> paragraph, lines 1-4; Page 7, 1<sup>st</sup> paragraph, lines 1-16.

Fig. 6.

Claim 61: Specification Page 7, 2<sup>nd</sup> paragraph, line 7; Page 8, 1<sup>st</sup> paragraph, lines 1-11.

Claim 62: Specification Page 20, 2<sup>nd</sup> paragraph, lines 1-3; Page 21, 1<sup>st</sup> paragraph, lines 15-17.

Claim 63: Specification Page 6, 1<sup>st</sup> paragraph, lines 1-18; Page 15, 4<sup>th</sup> paragraph, line 1 through Page 34.

Figs. 1-10e.

Claim 64: Specification Page 15, 4<sup>th</sup> paragraph; Page 16, 1<sup>st</sup>, 2<sup>nd</sup> paragraph; Page 17, 2<sup>ND</sup> paragraph; Page 18, 19, 20 lines 1-20.

Figs. 1, 2, 9, 10a-10e.

Claim 65: Specification Page 15, 4<sup>th</sup> paragraph; Page 16, 1<sup>st</sup>, 2<sup>nd</sup> paragraph; Page 17, 2<sup>ND</sup> paragraph; Page 18, 19, 20 lines 1-20.

Figs. 1, 2, 9, 10a-10e.

Claim 66: Specification Page 15, 4<sup>th</sup> paragraph; Page 16, 1<sup>st</sup>, 2<sup>nd</sup> paragraph; Page 17, 2<sup>ND</sup> paragraph; Page 18, 19, 20 lines 1-20.

Figs. 1, 2, 9, 10a-10e.

Claim 67: Specification Page 15, 4<sup>th</sup> paragraph; Page 16, 1<sup>st</sup>, 2<sup>nd</sup> paragraph; Page 17, 2<sup>ND</sup> paragraph; Page 18, 19, 20 lines 1-20.

Figs. 1, 2, 9, 10a-10e.

Claim 68: Specification Page 15, 4<sup>th</sup> paragraph; Page 16, 1<sup>st</sup>, 2<sup>nd</sup> paragraph; Page 17, 2<sup>ND</sup> paragraph; Page 18, 19, 20 lines 1-20.

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Figs. 1, 2, 9, 10a-10e.

Also, Claims 32-38, 41-46, 48-51, 57-60, and 63 being rejected by The United States Patent and Trademark Office under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, have been corrected per The United States Patent and Trademark Office relative to being unclear, indefinite, and vague. With these modifications Claims 39, 40, 47, 52-56, 61, 62, and 64-68 also rejected in the Office Action because they depend from a rejected claim have been corrected and are now compliant.

My method and system provides for a Grand Master Bulleting Board approach for freight management as never before which includes Master Bulletin Boards and Bulletin Boards both public and private allowing shippers and carriers which are buyers and sellers to address, compare individual and alternatives, coordinate, and analyze a myriad of critical interrelated aspects of the freight management, product and service environments to determine the best business decisions prior to responding all via one method and system.

With the unique flexibility of the Grand Master Bulletin Board, Master Bulletin Board and Bulletin Board method and system included in the transportation and marketplace tool concept, a shipper and product buyer and carrier and product seller is allowed to review each of the results of multiple scenarios before making a final determination and/or load, product and related element bid request, offer and selection as to the best approach, understanding that all participants can be required to meet specific qualifications to participate. This total integration of supply chain steps within one environment is literally the "Holy Grail" for optimal freight and product management. Also, using only portions of the possible

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features of the method and system for any particular situation does not invalidate the overall invention by requiring only one group of parameters or classifications be they in combination or separately. Public or private, loads, equipment, warehousing, products (goods or services), etc. are all integral parts of freight and product management.

While indicated in the Conclusion of The United States Patent and Trademark Office Action being addressed in this Reply, the following four (4) patents and one (1) published application were indicated as being prior art made of record and not relied upon but considered pertinent to this applicant's disclosure. As an initial overview, only the individual patents' or application's abstracts have been included for each. These five (5) supposed prior art examples are separate from and in addition to the numerous prior art assertions by the United States Patent and Trademark Office that have been individually addressed, including some in extraordinarily complete detail, like Weid et al US 2005/0209913 A1, Barni et al US 6,064,981, Chou et al US 6,035,289, and Meltzer et al US 6,125,391, in my many prior Reply submittals. If and/or when required, I will also fully address these five new prior art assertions.

Bains et al (US 6,625,584): A maritime container booking process delivered via the Internet for pricing, routing and confirmed freight bookings and associated options on ocean going container ships loading and discharging in the United States of America and ports of call worldwide. By following this program the shipper can secure freight bookings, without paying for services in advance or committing to any minimum cargo volume. Pricing of the freight will be sensitive to loading ports, discharge ports, type of equipment required, type of service required, transit time and type of commodity.

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Ye (US 6,374,227): A system for optimizing the allocation of a resource includes an optimizer file containing resource allocation data including a demand for allocation of the resource, a plurality of bids for the resource, and a plurality of reserve bids for the resource. A solver receives an integer program and generates an LP relaxation solution to the integer program. An optimizer engine coupled to the file and to the solver receives the data and the LP relaxation solution and generates an enhanced integer program that includes at least one cut according to the data. The cut includes a lifted cover inequality of a specified general form the LP relaxation solution violates. A specified parameter associated with the lifted cover inequality is determined according to the first heuristic. The solver generates a solution to the enhanced integer program that optimizes the allocation of the resource subject to the demand, bids, and reserve bids.

Barns-Slavin et al (US 5,117,364): A carrier management system includes a scale for weighing parcels to be shipped, a computer connected to receive data from the scale related to the weight of a parcel thereon, and first input keys enabling the input of information. The computer has a database for storing shipping charge data for a plurality of carriers and/or shipping classes, based upon the weight of a parcel of the scale. The computer is responsive to the operation of the first keys for determining shipping charges for predetermined carriers and/or shipping classes represented by data in the database. The input includes auto-rate selection key, and the computer is responsive to operation of the auto-rate selection key for determining shipping charges of the least costly carrier and/or shipping class of a predetermined subgroup of carriers and/or shipping classes represented by data in the data base. In one operating mode, the computer may determine the next least costly shipping charges.

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Ciroli, Jr. et al (US 2002/0082970 A1: Method and apparatus are disclosed for enabling a plurality of independent entities including a plurality of shippers and a plurality of carriers having connection to a communication network to conduct business transactions relating to shipment of goods.

Hall et al (US 7,395,237): An online electronic marketplace in which carriers bid for loads tendered by shippers, and shippers purchase the most attractive transportation services. The system described herein efficiently matches loads and capacities, lowers transaction costs, and creates value through enhanced visibility of information resulting in efficient transportation and financial transactions. According to specific embodiments, the present invention combines a neutral marketplace patterned after a stock exchange, with the electronic format of an Internet auction site to create a trading system for the logistics industry.

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**CONCLUSION**

Hopefully now my prior August 11, 2008, 87 page Reply to the Office Action by The United States Patent and Trademark Office mailed on February 11, 2008 is no longer moot due to informalities and other of the new grounds asserted in this Office Action, which have been corrected in this 30 page Reply, thereby, allowing that previous Reply to be reviewed in its full context. That Reply addressed and summarized many aspects of subject matter and inventive steps of my invention. In addition, this Reply has shown that Claims 32-68, both previously presented and currently amended, are described and supported by the specifications and the drawings. Also, in prior Replies, I have completely addressed and believe that I have conclusively discounted all of the referenced prior art considered pertinent by The United States Patent and Trademark Office to Applicant's disclosure, thereby fully supporting that my patent application subject-matter does, in fact, comprise inventive steps, along with the currently amended claims which now contain that which has been argued in all of the independent claim limitations as well as the dependent claims completing the fully persuasive requirements and therefore, I earnestly solicit a Notice of Allowance for Claims 32-68 in my Method and System for E-Commerce Freight Management application for a patent. Reconsideration by the United States Patent and Trademark Office of this application is respectfully requested.

Respectively submitted,

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